

Amendments to House Bill No. 149
1st Reading Copy

Requested by Representative Deborah Kottel

For the House Judiciary Committee

Prepared by David Niss
January 8, 2009 (2:56pm)

1. Title, page 1, line 7.
Following: "46-18-241"
Insert: ", 46-18-246,"

2. Page 2.

Following: line 7

Insert: "Insert: "Section 2. Section 46-18-246, MCA, is amended to read:

"46-18-246. Waiver or modification of payment. An offender may at any time petition the sentencing court to adjust or otherwise waive payment of any part of any ordered restitution or amount to be paid pursuant to 46-18-241(2)(a). The court shall schedule a hearing and give a victim to whom restitution was ordered notice of the hearing date, place, and time and inform the victim that the victim will have an opportunity to be heard. If the court finds that the circumstances upon which it based the imposition of restitution, amount of the victim's pecuniary loss, or method or time of payment no longer exist or that it otherwise would be unjust to require payment as imposed, the court may adjust or waive unpaid restitution or the amount to be paid pursuant to 46-18-241(2)(a) or modify the time or method of making restitution. The court may extend the restitution schedule."

{ Internal References to 46-18-246:

23-2-507* x 46-18-201* x 46-18-243* x 46-18-249*x
46-23-1011 }x"

Renumber: subsequent sections

3. Page 3, line 3.

Strike: "[Section 2]"

Insert: "[Section 3]"

- END -